

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 under 31.012, Voter Identification, Senator West brought
2 it up about -- it says here you and -- your office and
3 the voter registrar of each county that maintains it
4 shall provide notice of the ID requirements as
5 prescribed by this change.

6 Now, my concern there is, is at the county
7 level -- you know, I think Senator West brought it up --
8 is how much is going to be incumbent on each county, you
9 know? I and others here on this floor represent the
10 largest county, Harris County, and Harris County is
11 already starting to lay off, and they have a shortfall,
12 and they are laying off as we speak right now. So, you
13 know -- and I see what it says in the bill, you know,
14 that you're going to get together with them. I mean,
15 are they going to have the money? Or where is the -- if
16 they don't have the money, where is the other money
17 going to come from? Other than the 2 million you
18 already have prescribed here and any federal matches
19 that come in, where is that money going to come if those
20 counties cannot provide?

21 MS. MCGEEHAN: I think that the bill
22 presumes that counties have a website, and so this
23 requirement is that they post, you know, the information
24 about the new photo ID requirements that the Secretary
25 of State's Office will actually prescribe. So we will

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1 send that out to the counties, and then they'll have to
2 post it on their website.

3 Now, in light of the fiscal
4 circumstances -- and Senator West has asked us to do a
5 survey -- we'll probably get some very detailed
6 information, you know, as far as the counties' fiscal
7 circumstances, if they are going to have to take down
8 their websites or, you know, where they are going to
9 have to cut.

10 SEN. GALLEGOS: Well, you know, with all
11 due respect, I mean, we can presume a lot of things, and
12 I could presume a lot of things, you know, just on
13 anything, but I can tell you right now -- I'm not
14 presuming -- I know that they're laying off in Harris
15 County right now. That's not a presumption. That's a
16 fact; that's a fact. And they're also furloughing in
17 the City of Houston.

18 So, I mean, it just concerns me that this
19 section here that says you're going to work hand-in-hand
20 with each registrar in each county, and if those
21 counties are already going through a budget shortfall
22 like we are, then how can you presume that they're going
23 to have -- I'm just saying that this bill presumes that
24 they're going to have a website and they're going to
25 have people to handle the education.

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1 You can't presume anything if they're
2 laying off right now as we speak, and that's a fact.
3 Like I said, that's not a presumption. That concerns
4 me. And what I'm asking is that if that can't happen in
5 Harris County or any other county in this state, where
6 is the extra money? If they don't have, obviously, the
7 funds to provide what is prescribed under Senate Bill
8 14, where is that money going to come from?

9 MS. MCGEEHAN: Well, you know, Senate Bill
10 14 doesn't make an appropriation to the county, so I
11 don't know the answer to your question on that because,
12 like I said, the bill -- I think the assumption is that
13 counties have a website. So if they're not going to
14 have a website --

15 SEN. GALLEGOS: But the bill prescribes
16 that you will work in conjunction with the county
17 registrar. Is that what I'm reading --

18 MS. MCGEEHAN: Yes.

19 SEN. GALLEGOS: -- or am I reading the
20 wrong bill?

21 MS. MCGEEHAN: Maybe I'm not -- the way I
22 read that was that we would provide them the wording,
23 the language that they would put up on their website.

24 SEN. GALLEGOS: Well, you're going to
25 provide them with that. But what about the bodies and

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1 any other education that's prescribed by this bill? If
2 they don't have the bodies -- they're laying off bodies
3 right now.

4 MS. MCGEEHAN: Yes.

5 SEN. GALLEGOS: Okay. And you see where
6 I'm going here?

7 MS. MCGEEHAN: No, I understand.

8 SEN. GALLEGOS: And if you provided a
9 fiscal note, you know, that we're going by and that's on
10 every website in the State of Texas, everybody that has
11 a computer, then really what I'm asking you, is this a
12 true fiscal note or is it misleading to the voters out
13 there, that it's going to cost more than what you're
14 showing here if other counties are having budget
15 shortfalls like we are?

16 MS. MCGEEHAN: Well, when we're asked to
17 submit a fiscal note to LBB, they want to know what the
18 state impact is. So generally we don't solicit what the
19 impact is to local government. And I'm not exactly sure
20 who within LBB does that, if that's LBB or the
21 Comptroller. But I can tell you -- and maybe we've been
22 doing them wrong, but the way we've understood our
23 requirement in responding to a fiscal note request was
24 to state what the state impact was. It's specifically
25 for the agent -- you know, like for our agency for the

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1 Secretary of State's office.

2 SEN. GALLEGOS: Okay. So what you're
3 telling me is that outside of the \$2 million that's in
4 the fiscal note and that under this section that you're
5 going to work with the registrar in each county, then we
6 just have to roll the dice and hope that the money is
7 there. Is that what you're telling me?

8 MS. MCGEEHAN: Well, I think this fiscal
9 note that LBB did put -- does indicate that there may be
10 some county costs. You know, they did put some numbers
11 in for Tarrant County and for Bexar County. So, you
12 know, it's not -- I don't think it's the number you're
13 looking for. It's not a comprehensive number, but I
14 think that the fiscal note does indicate that there may
15 be a fiscal impact on counties.

16 SEN. GALLEGOS: There may be a fiscal
17 impact. You don't know how much?

18 MS. MCGEEHAN: No, I don't.

19 SEN. GALLEGOS: So what we're looking at
20 in your fiscal note is just an open-ended fiscal note.
21 Is that what you're telling me?

22 MS. MCGEEHAN: The fiscal note is really
23 showing the impact on the Secretary of State's office.
24 I can't really speak to how the portion of the fiscal
25 note that concerns impact on local government, how

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1 LBB -- you know, what their process is. I don't really
2 know.

3 SEN. GALLEGOS: All right. Then let me
4 rephrase my question.

5 MS. MCGEEHAN: Okay.

6 SEN. GALLEGOS: So the \$2 million that
7 you're showing is what the state is going to be
8 impacted. And the language that is showing you're going
9 to work in conjunction with the counties, you know, you
10 cannot speak to that, so we really don't know. Is that
11 what you're saying? It could or could not be impacted
12 for a million, two million, three million, whatever the
13 number. I don't know the numbers that you gave Bexar
14 County and Tarrant County. I have not been privy to
15 those numbers. But what I'm saying is, I really would
16 like to know that if my county is going to be impacted,
17 if at all, it's going to be in here, you know. Do you
18 see what I'm saying?

19 MS. MCGEEHAN: Well, yes, I understand
20 what you're saying. And we are going to be sending out
21 a survey to try and gather that data from all the
22 counties.

23 SEN. GALLEGOS: You know, I don't like the
24 mandate to my county, something that this bill said that
25 they will do and then find out that they don't have the

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1 funds to do it. You know, to me, that's an unfunded
2 mandate in really telling Texans that are looking at
3 this debate on computer and that are looking at this
4 bill online, that this \$2 million fiscal note that
5 you've provided is only an impact to the state, not the
6 counties, not each county. Is that correct?

7 MS. MCGEEHAN: That's correct.

8 SEN. GALLEGOS: Okay. Thank you very
9 much.

10 CHAIRMAN DUNCAN: Thank you, Senator
11 Gallegos.

12 Senator Van de Putte.

13 SEN. VAN de PUTTE: Thank you,
14 Mr. Chairman.

15 Ms. McGeehan, you've been an excellent
16 resource witness for us, and there are just two
17 questions that I need to ask to get into the record with
18 regard to a survey.

19 Does Texas participate in the Election
20 Administration and Voting Survey?

21 MS. MCGEEHAN: Yes.

22 SEN. VAN de PUTTE: When was this survey
23 completed, the last survey was completed? Was it after
24 the 2008 election?

25 MS. MCGEEHAN: Yes.

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1 SEN. VAN de PUTTE: So we have that survey
2 available?

3 MS. MCGEEHAN: Yes.

4 SEN. VAN de PUTTE: Okay. The question
5 that I have goes to the data on the survey that goes, I
6 think, to all -- and this is the federal commission --
7 dealing with the number of provisional ballots in the
8 State of Texas. As far as you know, how do we rank in
9 the number of provisional ballots that are used with
10 regard to our voting population?

11 MS. MCGEEHAN: My general recollection is
12 that as far as the total number cast, we're on the lower
13 end. But as far as the number of provisional votes,
14 meaning that not as many people cast a provisional vote
15 in Texas as in some other states, but as far as the
16 number of provisional ballots that are counted --

17 SEN. VAN de PUTTE: Yes.

18 MS. MCGEEHAN: -- we have one of the lower
19 rates among the states as to the number of provisional
20 ballots that are counted. It is my understanding that
21 in the state chart, that we have very high rejection
22 provisional ballot rates. So, in other words, even
23 right now under this system that we have, that the
24 number of provisional ballots that are cast, we have
25 some of the highest rejection rates for those

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